

Serial No. 09/003,812

Marked Up Copy of Rewritten Claims

1 8 (Amended). An earphone apparatus for an audio device and a portable
2 communication terminal device, comprising:
3 - a first plug for disconnectable connection with the audio device;
4 - a second plug for disconnectable connection with the portable
5 communication terminal device;
6 an electroacoustical transducer;
7 said electroacoustical transducer connected for receiving an audio signal
8 provided by said first plug;
9 first means connected to the second plug for detecting whether or not a call-
10 related electric signal is outputted from the portable communication terminal
11 device, and generating a detection result signal representative of a result of said
12 detecting; and
13 second means connected to the first plug, the second plug, the
14 electroacoustical transducer and the first means, for automatically disconnecting
15 the audio signal provided by said first plug from the electroacoustical transducer
16 and automatically connecting the second plug to the electroacoustical transducer in
17 response to the detection result signal generated by the first means when the first
18 means detects that a call-related electric signal is outputted from the portable
19 communication terminal device.

Serial No. 09/003,812

REMARKS

As noted during prior prosecution, applicants' invention provides an earphone apparatus set which may be used, simultaneously, with two sound sources and which, in one embodiment, includes an automatic switching operation, which automatically switches the source of audio signal from a first source to a second source.

The Examiner's allowance of claim 9 is noted with appreciation.

Rejection of claims 8 and 10 is traversed, along with an amendment of claim 8 to clarify the nature of operation of the invention.

More particularly, claim 8 (and dependent claim 10) is rejected over the previously applied reference to Young in view of newly cited Porco USP 4,873,712. The Examiner now admits that Young fails to disclose automatic disconnection of the plugs but asserts that such is well known in the art, as disclosed by Porco in a similar field of endeavor. The Action asserts that Porco "teaches the automatic disconnection of an audio device for the purpose of receiving and/or answering a telephone when indicated by ring signal which controlled by a switching circuit", referring to the Abstract, to Figs. 1 and 2, and to the disclosure at col. 3, lines 24-55.

It is respectfully submitted, however, that Porco fails to teach the concept recited in claim 8. More particularly, claim 8 requires "disconnecting the first plug from the electroacoustical transducer...". That is, as clearly apparent from the illustrative embodiment of Fig. 4, the audio signal(s) output from plug 1 is (are)

Serial No. 09/003,812

disconnected from the transducer(s) 5A (and 5B) by automatic operation of switch(es) 31 (and 32), in response to a detection signal generated by circuit 34.

However, nowhere in the cited portions of Porco is such disconnection of audio signals taught, disclosed or even suggested.

Instead, as clearly disclosed in the Abstract, the control unit is inserted "in the power lines..." and, upon detection of a current increase, the control unit "interrupts the flow of power to the audio system circuits."

Figures 1 and 2 clearly show that interrupter circuit 26 deactivates audio system 22 by interrupting (shutting off) power flow to that system. However, as is clearly apparent from Fig. 1, audio system 22 remains connected to the two speakers associated therewith.

Indeed, as described at col. 3, lines 38-40, the preferred embodiment shows audio system 22 as receiving "switched power" and, while an indication is made that "some prefer that the audio system 22 be powered at all times", there is no teaching how to switch power only to the speakers. Even if power switching to the speakers is to be used, however, it is quite clear that the reference fails to teach, disclose, suggest or consider any disconnection of the audio circuit from the speakers, or transducers, as recited in applicants' claim 8.

Thus, the extent of the teaching of Porco which the Examiner asserts would have been obvious to incorporate in Young III is summarized at col. 3, lines 58-61 as follows: A control signal is applied to an interrupter circuit which, through an electronic switch, "effectively disconnects the audio system 22 from the source of

Serial No. 09/003,812

power. When the control signal ... is removed, the power to the audio system 22 is restored."

In other words, as described at col. 5, lines 7-8 and 25-27, once "the telephone circuit 20 becomes active and begins to draw current, ... the power to the audio system 22 is interrupted, silencing the audio system 22 during operation of the telephone 20."

However, nowhere does Porco provide any suggestion of automatically disconnecting the electroacoustical transducer from the source of audio signals and connecting the transducer to the portable communication terminal device, as recited in claim 8.

Therefore, one of ordinary skill in the art attempting to incorporate the Porco teaching in the disclosure of Young III would attempt to disconnect music source 30 from its power source, and not to implement applicant's invention.

It is courteously submitted that the foregoing clearly demonstrates failure of the Action to make a *prima facie* showing of obviousness of the recitation of claim 8. However, in order further to clarify the issue, the present amendment revises claim 8 to recite more clearly that the electroacoustical transducer receives an audio signal provided by the first plug, and that it is the audio signal provided by that plug which is automatically disconnected in response to the specific signal set forth in the claim.

It is respectfully submitted that, for the reasons hereinabove set forth, it is quite clear that the combination of Young III and Porco fails to suggest, and would

Serial No. 09/003,812

not have made obvious, the subject matter of applicants' original claim 8. Such failure is, *a fortiori*, applicable to any attempt to suggest that amended claim 8 would have been obvious thereover.

Indeed, it should be appreciated that the Porco reference makes it impossible to use the audio circuit for or during detection of a ring, or off-hook condition, because the power to the audio circuit has been cut off.

Applicants' invention, on the other hand, makes it possible to use the audio circuit during bidirectional communication via the portable communication terminal device through the second plug.

For example, in a situation in which a compact disc player or a cassette type tape player is used as the audio circuit of the invention, with the aid of the invention it is possible for a user to operate the audio circuit to implement a fast forward operation or a fast review operation, while bidirectional communication is being performed through the second plug. This advantage is possible with the present invention which maintains power feed to the audio circuit, but is impossible with the concept of the Porco reference which disconnects power from the audio circuit.

It is accordingly submitted that the differences between the present invention and the applied art are substantive, and that such differences provide advantages and features which are not possible with the approach taken by the prior art. Accordingly, reconsideration of the rejection of applicants' claims 8 and 10, whether or not incorporating the present amendment, it in order.

Serial No. 09/003,812

At this point applicants further add new independent claim 11.

Claim 11 adds recitation of a feature illustrated by the embodiment of Fig. 4, with reference to operation of switch 32 when the movable contact 33C of switch 33 is in the upper position, connected to fixed contact 33A.

As apparent from the disclosure of the paragraph beginning at line 9 of page 22, with such a configuration switch 31 disconnects the audio signal from transducer 5A on line 10 in response to the signal output by level detection circuit 34. Switch 31 instead connects transducer 5A to the signal provided by plug 2 on line 13.

On the other hand, while switch 32 disconnects movable contact 32C from fixed contact 32A and thus from the signal provided from plug 1 on line 11, the movable contact 32C is then connected to fixed contact 32B which, through the connection between movable contact 33C and 33A, is again connected to the signal from the first plug.

Therefore, the invention recited in claim 11 provides a system in which the user can hear a calling tone or a transmitted voice via the left-channel loudspeaker 5A, while listening to the right-channel sound via the right-channel loudspeaker 5B, as described at page 22, lines 13-16.

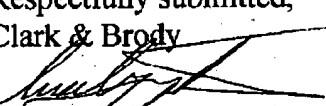
No such disclosure or suggestion is provided in the applied art.

It is therefore respectfully submitted that, separately and independently of the subject matter of claims 8 and 9, the subject matter of newly submitted claim 11 is also patentably distinguished from the applied art of record.

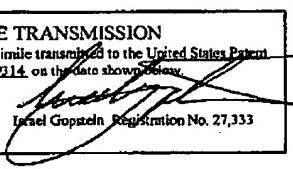
Serial No. 09/003,812

Having thus addressed and traversed the rejection set forth in the pending Official Action, and in view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. In order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,
Clark & Brody


Israel Gopstein
Registration No. 27,333

1750 K Street, N.W. Suite 600
(202) 835-1111
(202) 835-1755 (fax)
January 8, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax no. (703) 572-2714, on the date shown below.	
January 8, 2003	 Israel Gopstein Registration No. 27,333